

1 MARGARET A. MCLETCHIE, Nevada Bar No. 10931
2 ALINA M. SHELL, Nevada Bar No. 11711
2 **MCLETCHIE LAW**
3 701 East Bridger Ave., Suite 520
3 Las Vegas, Nevada 89101
4 Telephone: (702) 728-5300; Fax: (702) 425-8220
5 Email: maggie@nvlitigation.com
5 *Attorneys for Plaintiff Mary Benson*

6
7 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 MARY BENSON, an individual,

Case. No.: 2:19-cv-01949-RFB-VCF

9 Plaintiff,

10 vs.

11 LAS VEGAS METROPOLITAN POLICE
12 DEPARTMENT, in its official capacity; and,
13 BRET EMPEY, in his official capacity as
14 Sergeant of the Las Vegas Metropolitan
14 Police Department;

STIPULATION AND ORDER TO
EXTEND EXPERT DEADLINES
(FIRST REQUEST)
[ECF No. 31]

15 Defendants.

16 Pursuant to Fed. R. Civ. P. 16(b)(4) and Local Rule 26-4, Plaintiff MARY
17 BENSON and Defendants LAS VEGAS METROPOLITAN POLICE DEPARTMENT and
18 BRET EMPEY (“LVMPD Defendants”), by their respective counsel, hereby submit this
19 *Stipulation and Order to Extend Expert Deadlines (First Request)* by thirty (30) days.

20 **I. EXPERT DEADLINES**

21 A. The deadline for the initial disclosure of experts and expert reports shall be
22 rescheduled from March 1, 2021 to **March 31, 2021**;

23 B. The deadline for the disclosure of rebuttal experts and their reports shall be
24 rescheduled from March 31, 2021 to **April 30, 2021**;

25 **II. REASON FOR THE REQUESTED EXTENSION**

26 Pursuant to Local Rule 26-4, the Parties submit that good cause exists for the
27 extension requested. This is the first request for an extension of solely the deadline for the
28 initial disclosure of experts and expert reports in this case. The Parties acknowledge that,

1 pursuant to LR 26-4, a stipulation to extend a deadline set forth in a discovery plan must be
2 submitted to the Court no later than 21 days before the expiration of the subject deadline,
3 and that a request made within 21 days must be supported by a showing of good cause. Here,
4 the deadline for the initial disclosure of initial experts and initial expert reports is currently
5 March 1, 2021. Thus, the instant stipulation to extend the deadline for initial expert
6 disclosures is untimely.

7 However, good cause exists to consider this request to extend the deadline for initial
8 expert disclosures. Plaintiff has alleged that she has suffered economic damages as a result
9 of her constructive termination, including but not limited to lost current and future pension
10 income and benefits, lost vacation and sick time, lost current and future medical insurance
11 benefits, and lost income, for which an expert witness(es) will be necessary to assess one or
12 more of these areas. Due to the respective workloads of the Parties' counsel, coupled with
13 the restrictions put in place as a result of the COVID-19 pandemic, the Parties seek this
14 extension to allow additional time to secure initial expert witnesses and, absent this extension
15 of time for initial expert disclosures, both parties will be deprived of expert analysis of
16 Plaintiff's asserted damages.

17 Accordingly, the Parties submit that good cause exists to excuse the untimely
18 request to extend the initial expert disclosure deadline.

19 **WHEREAS**, the Parties have been diligently conducting discovery. Since January
20 2020, the Parties have propounded and responded to requests for written discovery; have
21 produced documents relating to liability issues; and have been working to coordinate
22 depositions.

23 **WHEREAS**, additional time is needed for discovery due to the current State of
24 Emergency resulting from the COVID-19 virus, including ongoing office closures and
25 limitations on travel and personal contact, the Parties have been limited in their ability to
26 conduct depositions.

27 ///

28 ///

1 **III. CONCLUSION**

2 WHEREFORE, the parties respectfully request that this Court extend the expert
3 deadlines.

4 IT IS SO STIPULATED.

5
6 DATED this the 12th day of February, 2021. DATED this the 12th day of February, 2021.
7

8 **MARQUIS AURBACH COFFING**

9 /s/ Nick D. Crosby

10 Nick D. Crosby, NBN 8996
11 10001 Park Run Drive
12 Las Vegas, NV 89145
13 Email: ncrosby@maclaw.com
14 Attorney for LVMPD Defendants

MCLEETCHIE LAW

/s/ Alina M. Shell

Margaret A. McLetchie, NBN 10931
Alina M. Shell, NBN 11711
701 East Bridger Ave., Suite 520
Las Vegas, NV 89101
Email: maggie@nvlitigation.com
15 Attorneys for Mary Benson

16 **ORDER**

17 IT IS SO ORDERED.
18

19 DATED this 16th day of February, 2021.
20

21 
22 U.S. MAGISTRATE JUDGE

23 Discovery Cut-Off remains 4-30-2021.

24 Dispositive motions must be filed and served on or before 5-31-2021.
25

26 The Joint Pre-trial Order must be filed on 6-30-2021. In the event dispositive
27 motions are filed, the date for filing the Joint Pre-trial Order will be suspended
28 until 30 days after the decision on the dispositive motions or further order of the
Court.